

REMARKS

Claims 1-10 are pending in the above application.

The Office Action dated June 15, 2007, has been received and carefully reviewed. Each issue raised in that Office Action is addressed below, and reconsideration and allowance of claims 1-10 is respectfully requested in view of the following remarks.

ABSTRACT

As an initial matter, it is noted that a new abstract of the disclosure is submitted herewith. The new abstract does not include reference numerals or legal terminology such as the word "comprising."

REJECTIONS UNDER 35 U.S.C. 112, SECOND PARAGRAPH

Claim 2 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. By the above amendment, the phrase "a large number of" has been changed to "a plurality of" which is believed to be consistent with the interpretation used by the examiner. The withdrawal of the rejection of claim 2 under 35 U.S.C. 112, second paragraph, is therefore respectfully requested.

REJECTIONS UNDER 35 U.S.C. 102(b)

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hatano. Claim 1 originally recited a processing chamber in which at least two gases which react with each other are alternately supplied. To more clearly recite a structure in connection with this alternate supply of two gases, claim 1 has been amended to recite a controller for alternately supplying first and second gases through first and second tubes. Hatano in Figure 3 shows only a single tube 220 between controller 222 and the process chamber. Because Hatano does not show a controller for supplying a first gas to the process chamber through a first tube and alternately supplying a second gas to the process chamber through a second tube, claim 1 as amended is submitted to be allowable over this reference.

Claims 2, 3 and 5-8 depend from claim 1 and are submitted to be allowable over Hatano for at least the same reasons as claim 1.

Claim 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Hatano. By the above amendment, claim 9 has been revised to recite a controller for supplying a first gas to the process chamber through a first supply tube and for supplying a second gas to the process chamber through a second supply tube. Such a controller and arrangement of tubes is not shown or suggested by Hatano, and claim 9 is submitted to be allowable over Hatano for at least this reason.

REJECTIONS UNDER 35 U.S.C. 103(a)

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hatano in view of Miyazaki. By the above amendment, claim 4 has been rewritten in independent form, but the scope of claim 4 has not been changed.

It is respectfully submitted that a prima facie case of obviousness has not been presented in connection with claim 4 and that claim 4 is allowable over the art of record for at least this reason. As provided in MPEP 706.02(j), in order to support a rejection under 35 U.S.C. 103(a), the examiner should identify the relevant teachings of the prior art, the differences in the claim over the applied references, and “the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter” and provide “an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.” In the present case the Office Action acknowledges that Hatano does not show a device having two supply tubes and two gas supply members connected to each other in a processing chamber. Miyazaki is cited to show two supply tubes in a process chamber. However, the Office Action does not explain what change to Hatano is being proposed. The Office Action merely indicates that it would have been obvious to “combine” the references. It is respectfully requested that the examiner clarify what specific change to Hatano is being proposed so that the grounds for this rejection can be better understood.

The Office Action appears to be suggesting that Hatano’s single tube 220 be replaced with first and second tubes as illustrated in Miyazaki. However, Hatano teaches the supply of gas from a single source through a single tube 220 to a process chamber. Miyazaki uses two tubes to mix two different gases in a process chamber. Hatano is not teaching the mixing of

separate gases in a process chamber, and therefore one skilled in the art would have no reason to provide Hatano with two separate tubes for introducing gas into a process chamber. The fact that it might be physically possible to modify Hatano in this manner does not constitute a reason for doing so. MPEP 2143.01. The record does not provide any reason for modifying Hatano, a prima facie case of obviousness has not been presented, and claim 4 is submitted to be allowable over the art of record for at least this reason.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hatano in view of Raaijmakers. It is respectfully submitted that a prima facie case of obviousness has not been presented in connection with claim 10 and that claim 10 is allowable for at least this reason. In addition, even if a reason for combining Hatano and Raaijmakers were provided, the result would still not be the invention of claim 10. Each of these issues is addressed below.

The Office Action indicates that Hatano does not teach at least some of the method steps recited in claim 10. It is stated, however, that it would have been obvious to "have combined" Hatano and Raaijmakers. However, the particular modification to Hatano is not identified. Moreover, no reason for making any modification to Hatano has been identified. The statements "to execute the process sequence" does not seem to describe any aspect of Hatano and "to obtain the invention of claim 10" appears to be an impermissible use of the present disclosure as a motivation to modify Hatano. The modification to Hatano being proposed has not been identified, a reason for making any modification to Hatano has not been identified, and a prima facie case of obviousness has not been presented. Claim 10 is submitted to be allowable for at least these reasons.

If the rejection of claim 10 is maintained, it is respectfully requested that the examiner explain what method steps are believed to be carried out by Hatano and how Raaijmakers suggests changing any of these steps to produce the invention of claim 10 so the basis for this rejection can be better understood.

Furthermore, even if a reason for modifying Hatano were provided, the result would not be the invention of claim 10. Claim 10 as amended recites a particular method carried out on a particular apparatus. As acknowledged in connection with claim 4, Hatano does not show two supply tubes through which two gases respectively flow independently from each other. No

structure is shown in Raaijmakers. Therefore, even if Hatano and Raaijmakers could somehow be combined, the result would not be the invention recited in claim 10. Claim 10 is submitted to be allowable for this reason as well.

CONCLUSION

Each issue raised in the Office Action dated June 15, 2007, has been addressed, and it is believed that claim 1-10 are in condition for allowance. Wherefore, reconsideration and allowance of claims 1-10 is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the examiner is respectfully requested to contact Scott Wakeman (Reg. No. 37,750) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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